

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11823 of 2004

Between:

- 1 Bodika Pitchaiah Naidu @ Bodika Pitchaiah s/o Mussalaiah
R/o Rekalakunta Village, B. Mattam Mandal, Kadapa District
- 2 Bodika Bhuthappa Naidu S/o Obaiah s/o Mussalaiah
R/o Rekalakunta Village, B. Mattam Mandal, Kadapa District

..... PETITIONER(S)

AND

- 1 The Mandal Revenue Officer, B.Mattam Mandal, Kadapa District
- 2 Bathala Guravaiah S/o Guravaiah
R/o Rekalakunta Village, B. Mattam Mandal, Kadapa District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in attempting to issue pattadar passbooks and title deeds in favour of the 2nd respondent in respect of 2.59 acres of land in Sy. NO. 172 of Rekalakunta Village of B. Mattam Mandal of Kadapa District even without following the direction given by the Revenue Divisional Officer, Rajampet in his Ref.No. LRDT/2071/97, dated 10-07-2003 and even without conducting any enquiry and without issuing any notice as illegal, unjust arbitrary and against the statutory provisions and consequently direct the 1st respondent not to issue pattadar passbook and title deeds in favour of the 2nd respondent in respect of 2.59 acres of land in Sy. No. 172 of Rekalakunta Village in B. Mattam Mandal of kadapa District without following the direction given by the Revenue Divisional Officer, Rajampet in his Ref. No. LRDT/2071/97 dated 10-07-2003

Counsel for the Petitioner:MR.L.J.VEERA REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the 2nd respondent :

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent the writ petition is disposed of at the stage of admission.

The case of the petitioners is that they are absolute owners of land in an extent of Ac.2-59 cents in Sy.No.172 of Rekalakunta village, B.Mattam Mandal, Kadapa District, and in respect of which they were issued pattadar pass books and title deeds in the year 1997. On a belated appeal filed by the 2nd respondent in the year 2002, the Revenue Divisional Officer, Rajampet cancelled the pattadar pass books issued in favour of the petitioners and directed the Mandal Revenue Officer to conduct a *de novo* enquiry in to the matter. Against the order of the R.D.O, the petitioners are stated to have filed a revision before the Joint Collector, Kadapa, which is pending. The main grievance of the petitioners is that pending the revision before the Joint Collector, the 1st respondent without issuing any notice and without conducting any enquiry, is trying to issue Pattadar pass books in favour of the 2nd respondent.

Having regard to the fact that the revision petition filed by the petitioners is pending before the Joint Collector, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioners are directed to file interlocutory application in the revision that is pending before the Joint Collector, Kadapa, within a week from the date of receipt of a copy of this order and on filing such application, the Joint Collector shall consider and dispose of the same expeditiously, after giving notice to the interested parties. Till such time, the 1st respondent shall not issue pass books in favour of the 2nd respondent.

12-7-2004

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To

- 1 The Mandal Revenue Officer, B.Mattam Mandal, Kadapa District
2. The Joint Collector, Kadapa
3. Two C.Cs. to G.P. for Revenue, High Court Buildings (O.U.T)
4. Two C.D. copies